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TAGS: [PGOV](#) [PHUM](#) [AF](#)  
SUBJECT: KAMBAKSH: CLOSE TO A PARDON

REF: A. KABUL309  
[1](#)B. 08KABUL2173

Classified By: A/DCM Alan Yu for reasons 1.4 (b) and (d).

[1](#)1. SUMMARY. (C) President Karzai told the Charge on May 1 Karzai would pardon Parwez Kambakhsh, the journalism student serving a 20-year prison sentence for disseminating an article discussing women's rights and Islam (reftel A) shortly after his May 11 return to Afghanistan from abroad. Karzai has repeatedly reneged on past promises to pardon Kambakhsh (reftel B) and a pardon would pose political risks to Karzai, who fears angering conservative religious clerics with the election just months away. Nevertheless, Karzai's comments to the Charge, along with other promising signs, argue that Karzai may finally be ready to pardon Kambakhsh. Karzai and the UN have asked that everyone treat these developments with strictest confidentiality until Kambakhsh's release.

Background  
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[1](#)2. (U) In January 2008 a Balkh local court convicted 22-year-old journalism student Parwez Kambakhsh of blasphemy and sentenced him to death for allegedly distributing an article offensive to Islam. In October 2008, a Kabul appeals court commuted the death sentence to 20 years in prison. In February the Afghan Supreme Court upheld the 20-year sentence in a closed proceeding and without informing Kambakhsh's defense attorney. Many believe authorities arrested Kambakhsh in retaliation for reports by his journalist brother, Sayed Yaqub Ibrahim, that were highly critical of Balkh governor Atta.

Karzai: Will Issue Pardon  
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[1](#)3. (C) Karzai confirmed to the Charge on May 1 that he agreed to pardon Kambakhsh. However, Karzai was concerned about plans to move Kambakhsh out of the country immediately after the pardon. He thought that would upset the fundamentalists and said he needs to hold a shura with the fundamentalists to calm them down before Kambakhsh leaves the country. Unfortunately, Karzai could not hold this meeting before he left for Washington on May 4, so he will likely not issue the pardon until after his May 11 return to Afghanistan.

[1](#)4. (C) We understand that once Karzai issues the pardon, authorities would likely transfer Kambakhsh to a government-run safe house for a short period. International Organization on Migration would then coordinate Kambakhsh's flight out of Afghanistan to a third, western country that has agreed to accept Kambakhsh. Internationals involved in these developments have asked that everyone treat these details with strictest confidentiality.

¶5. (C) FM Spanta's senior advisor Davood Moradian told A/DCM April 28 that while "things were further along," President Karzai had yet to sign off on the pardon. Citing Spanta, however, Norwegian poloff told us that Karzai had agreed to the pardon and the delay was merely administrative proceedings between the Palace and the Attorney General's Office. Canadian polcouns on May 3 told us that Karzai had agreed to the pardon and may have already signed the paperwork but cautioned that it was not a done deal until all possible administrative hoops were jumped through. An Attorney General's Office official confirmed May 2 that paperwork relating to Kambakhsh's case was passing between the Palace and the Attorney General's office. Kambakhsh defense lawyer Afzal Nooristani told poloff April 26 he had heard from several sources that Karzai would soon pardon Kambakhsh, but Nooristani had not heard anything directly from the government.

Comment

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¶6. (C) Coupled with Karzai's promise to the international community to review the constitutionality of the Shia Family Law, a Kambakhsh pardon would deal fundamentalists two "losses" in a row, a political risk for Karzai. However, Karzai's statement to the Charge, the MFA official's comment that "things are further along," Spanta's assurances to the Norwegians that Karzai would issue the pardon, and the AGO's office confirmation that the Palace and the AGO's office were working on the case argue that Karzai has decided the bigger risk is alienating international backers.

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